IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DATE MAILED January 3, 2003**

| | | |
|---|---|---|
| LEXINGTON INSURANCE COMPANY | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| DAVID FORREST, et al. | : | No. 02-4435 |

## N O T I C E

This case has been assigned to Judge Anita B. Brody.

> **ANY NONGOVERNMENTAL CORPORATE PARTY SHALL FILE FORTHWITH A STATEMENT WITH THE COURT (WITH A COPY TO CHAMBERS) IDENTIFYING ALL ITS PARENT CORPORATIONS AND LISTING ANY PUBLICLY HELD COMPANY THAT OWNS 10% OR MORE OF THE PARTY'S STOCK.  A PARTY SHALL SUPPLEMENT THE STATEMENT WITHIN A REASONABLE TIME OF ANY CHANGE IN THE INFORMATION.**

1. A pretrial scheduling conference as described in Fed. R. Civ. P. 16 (a), (b) and (c) and Local R. Civ. P. 16.1 (a) and (b) will be held in chambers **Monday, February 3, 2003** at **4:15 p.m.**. Unless otherwise specified, Judge Brody will follow the procedure at the conference as outlined in the federal and local rules.

2.  Not later than **3** days prior to the conference, counsel must submit to the court a joint Proposed Discovery Plan under Rule 26(f). Disagreements concerning the timetable of discovery or other discovery-related matters must be highlighted in bold-face type. For assistance in developing the Proposed Discovery Plan counsel shall follow the example set forth in **Attachment A.**

3.  Motions to dismiss, transfer, add parties and other threshold motions should be filed, whenever possible, **before** the conference.

4.  Prior to the conference, counsel shall evaluate the case for settlement purposes.  Plaintiff's counsel shall make a demand on opposing counsel no later than **five days** prior to the conference.  Defense counsel shall respond to the demand no later than one day prior to the conference.  All counsel shall arrive at the conference with settlement authority from the client and arrange for the client to be available by telephone for the

duration of the conference.

      5.  Unless the factual or legal issues are complex, the conference will last approximately thirty minutes.  Judge Brody expects trial counsel to attend this conference.  If unable to attend, trial counsel must appoint other counsel familiar with the case to attend the conference.  Trial counsel shall notify Judge Brody and opposing counsel of a substitute appearance at the earliest possible date.

      6.  At the conference the following matters will be considered (See Fed. R. Civ. P 16(b) and (c) and Local R. Civ. P. 16(b)):

      (a)  jurisdictional defects, if any;

      (b)  prospects for amicable settlement;

      (c)  setting date for limiting time to join other parties, to amend pleadings, to file dispositive motions and to complete discovery;

      (d)  setting a date for entering the trial pool;

      (e)  establishing schedules for remaining pretrial proceedings, including pretrial memoranda filings, exchange of exhibits, exchange of expert reports, etc; and

      (f)  any other matters.

      7.  The parties should be prepared at the conference to argue all outstanding motions.

      8.  In an uncomplicated case, Judge Brody will set the discovery deadline for between 90 and 120 days after the conference. Discovery shall be served, noticed and completed by the discovery deadline. Requests for extension of discovery deadlines or trial pool entry dates may be made by letter, stating the reasons and noting the agreement or disagreement of all other counsel, or by telephone conference with all counsel participating.

      9. All cases that are arbitrated through court-annexed arbitration will be immediately placed in the trial pool.

      10.  Counsel must submit **TWO** courtesy copies to chambers of all papers filed with the clerk. <u>Note</u>: This requirement also applies in ECF cases. The submissions to chambers must be in hard copy accompanied by a 3" floppy disc.

11. Your case has been assigned to:

_____ Law Clerk Tom Sullivan,**thomas_sullivan@paed.uscourts.gov**

__5__ Law Clerk Sabrina Fève, **sabrina_feve@paed.uscourts.gov**

_____ Law Clerk Hannah Rogers,**hannah_rogers@paed.uscourts.gov**

12.  Counsel are reminded that all submissions given directly to Judge Brody in the courtroom or chambers must also be filed by counsel with the Clerk of the Court to assure proper docketing.

13. Judge Brody's Polices and Procedures can be accessed via the U.S. District Court's website at **www.paed.uscourts.gov.**

Throughout the course of the litigation, counsel shall provide the courtroom deputy clerk, Jim Scheidt, with a current telephone and FAX number(s).

_____

Marie O'Donnell
Calendar Deputy to
Judge Brody (Room 7613)
(215) 597-3978

cc: Edward P. Krugman, Esq.
    Glenn F. Rosenblum, Esq.
    Ira J. Dembrow, Esq.
    Jeffrey R. Lerman, Esq.
    Scott M. Mory, Esq.
    Edward M. Dunham, Jr., Esq.
    James J. Rohn, Esq.
    Nicholas M. Centrella, Esq.

## **Attachment A - Proposed Discovery Plan Under Rule 26(f)**

### **I. Rule 26(a) Disclosures**

      Counsel anticipate completing the self-executing disclosures on _____ ,as required by Rule 26(a).

### **II. Discovery Subjects and Timetable for Discovery**

(A) Counsel agree that the subjects for discovery include:

(i)
(ii)
(iii) . . .

(B) Counsel also agree upon the following discovery timetable:

(a) Close of all discovery _____

(b) Close of fact discovery_____

(c) Expert reports due _____; Rebuttal reports due _____; depositions of all experts to be completed by:_____.

(d) Dispositive motions due: _____.

(e) Exchange of exhibits due:_____.

(f) Plaintiff's pre-trial memorandum due:_____.

(g) Defendant's pre-trial memorandum due:_____.

(h) All motions in limine due:_____.

(i) All responses to motions in limine due:_____.

(j) A Daubert or Markman hearing shall be held____.

(k) Final pre-trial conference to be held: _____.

## III. Changes in Limitations on Discovery

Counsel agree that discovery should be conducted in accordance with the parameters set forth in the Federal Rules of Civil Procedure, subject to modification by agreement of the parties or by Court order, as necessary under the circumstances.

## IV. Alternative Dispute Resolution

(A) type of ADR, settlement conference etc.

(B) timing of ADR

(C) unless otherwise recommended, a settlement conference will be scheduled upon the close of all discovery.

## V. Other Issues

(e.g. protective orders, etc.)

Signed,

_____
Counsel for Plaintiff


_____
_____Counsel for Defendant